

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOOD SAFETY AND INSPECTION SERVICE  
WASHINGTON, DC

# FSIS NOTICE

37-14

8/11/14

## PROCEDURES FOR NOTIFYING THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)

### I. PURPOSE

Upon issuance, this notice advises inspection program personnel (IPP) that they can contact OSHA directly, and how they do so, whenever they observe workplace hazards that may affect workers (both FSIS and non-FSIS plant employees) in FSIS- inspected meat, and poultry products establishments and egg products plants. This notice emphasizes that it is important that IPP follow [FSIS Directive 4791.12](#), *Reporting and Correcting Occupational Hazards*, and [FSIS Directive 4791.13](#), *Workplace Inspections, and Injury, Illness and Motor Vehicle Incident Reporting*; and the Collective Bargaining Agreement.

### II. BACKGROUND

A. OSHA and FSIS established a Memorandum of Understanding (MOU) in 1994, the primary purpose of which was to develop training for FSIS personnel to recognize workplace hazards and to create a mechanism for IPP to communicate to OSHA any workplace hazards affecting workers at FSIS-inspected facilities. Some examples of serious hazards that may lead to unsafe or unhealthful working conditions are:

1. No emergency evacuation plans;
2. Blocked means of egress or exits;
3. Unmarked exits;
4. Lack of machine guards;
5. Failure to control hazardous energy during equipment maintenance;
6. Electrical hazards;
7. Inadequate guardrail systems;
8. Hazards relating to free falling of overhead objects;
9. Walking/working surfaces (e.g., missing drain covers);
10. Lack of personal protective equipment;
11. Release or spill of a toxic chemicals;

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12. Exposure to a hazardous substance: for example, ammonia or disinfectant products;
13. Refrigeration systems – Ice formation on refrigerant lines, abnormal sounds or vibrations of piping or fans;
14. Exposure to asbestos;
15. Confined spaces; and
16. Musculoskeletal disorders, (e.g., Carpal Tunnel Syndrome).

B. To improve FSIS employees' ability to recognize and report workplace safety and health hazards in accordance with [FSIS Directive 4791.12](#), FSIS AgLearn Course 8500, *Recognizing and Reporting Occupational Safety and Health Hazards*, is available to IPP. This course also provides an overview of how safety inspections are conducted according to [FSIS Directive 4791.13](#). The course is also available in a CD format upon request from the District Office. FSIS will track IPP hazard recognition training.

### **III. REPORTING WORKPLACE HAZARDS/WORKER DISCRIMINATION**

A. If in performing their inspection duties IPP recognize or brought to their attention an occupational safety and health (OSH) hazard that would affect them or their FSIS colleagues, they are to report the hazard in accordance with procedures set forth in [FSIS Directive 4791.12](#).

B. Workers can communicate a serious OSH hazard directly to OSHA by calling OSHA's toll-free telephone number: 1-800-321-OSHA (6742). According to its whistleblower protection program, OSHA will withhold the worker's (complainants) identity from the employer in accordance with Section 8(f)(1) of the OSH Act. OSHA will not give any information to the employer that would allow the employer to identify the complainant. If a plant employee has provided a verbal complaint to IPP, FSIS will afford the same confidentiality. Information about whistleblower protection can be found at: [www.whistleblowers.gov](http://www.whistleblowers.gov).

C. If IPP are uncertain of how to proceed or have any questions about a potential OSH hazard, they should contact the FSIS, Office of Management (OM), Employee Safety, Health and Wellness Staff (ESHWS), Environmental, Safety and Health Group (ESHG), Occupational Safety and Health Specialist (OSHS) assigned to their District. The District assignments are maintained up to date on the FSIS Intranet site at: [Environmental, Safety and Health](#). They can also send an email question directly to: [AskEmployeeSafety](#).

### **IV. EMPLOYEE LIABILITY**

A. FSIS recognizes that the safety and health of the inspected establishments' employees are the responsibility of the inspected establishments.

B. IPP should be aware that the Federal Tort Claims Act protects Federal employees from liability for actions related to the official performance of their duties. FSIS inspection personnel, acting within the scope of their employment, are covered by the Federal Tort Claims Act for an incorrect action or failure to perform an action in carrying out the MOU.

### **V. SAFETY AND HEALTH TRAINING TO IMPLEMENT THIS NOTICE**

A. FSIS recognizes the importance of ensuring the health and safety of its employees and encourages its personnel to use their training and awareness to help ensure the safety of non-federal employees in the establishments they inspect. To that end:

1. In-plant FSIS supervisory personnel and frontline supervisors (FLS) that have not completed AgLearn Course FSIS–8500, *Recognizing and Reporting Occupational Safety and Health Hazards* will need to do so within 6 months after issuance of this notice.
2. In-plant FSIS non-supervisory personnel with off-line inspection responsibilities are to complete AgLearn Course FSIS–8500 within 6 months after issuance of this notice. Additionally, IPP assigned or promoted to off-line responsibilities need to complete the course within 60 days of their new appointment.

B. In-plant FSIS supervisory personnel and FLS's are to provide bargaining unit employees with off-line inspection responsibilities up to four hours of administrative time to complete AgLearn Course FSIS-8500 and to familiarize themselves with the OSHA website on whistleblower protections as stated under Section III. B. above.

## **VI. GUIDELINES FOR MITIGATING MUSCULOSKELETAL INJURIES**

A. At the next weekly meeting after receipt of this notice, the IIC is to share this notice with the establishment management to make them aware of the following recommendations provided by the National Institute for Occupational Safety and Health (NIOSH) to improve work conditions and minimize exposures to factors that increase the risk for musculoskeletal disorders and traumatic injuries:

1. What the employer can do:
  - a. Implement the OSHA Guidelines and recommendations from industry groups to prevent musculoskeletal disorders;
  - b. Design or redesign job tasks so that they are below the American Conference of Governmental Industrial Hygienists' threshold limit value for hand activity and force;
  - c. Until the redesign is completed, use a job rotation schedule where employees rotate to jobs that are below the American Conference of Governmental Industrial Hygienists' threshold limit value for hand activity and force;
  - d. Ensure that employees are using sharp knives for cutting;
  - e. Provide more than one break during the work schedule;
  - f. Enhance reporting, screening, and medical assessment onsite to improve early intervention of musculoskeletal disorders and traumatic injuries; and
  - g. Use good housekeeping procedures (e.g., repair holes/depressions in the floor and excess water on walking surfaces, repair drain coverings, and remove wash hoses and extension cords from walkways) to reduce fall/slip/trip injuries.
2. What employees can do:
  - a. Report symptoms and injuries as soon as they occur to supervisors and onsite medical staff;
  - b. Use only sharp knives for cutting;

- c. Make sure the standing platforms are adjusted to the correct height to do your job; and
- d. Report potential fall/slip/trip hazards to supervisors so they can be quickly addressed.

B. At the meeting, the IIC at poultry products establishments is to make the establishment management aware of the availability of the OSHA and NIOSH documents at these links:

1. [Guidelines for Poultry Processing](#)
2. [Musculoskeletal Disorders and Traumatic Injuries Among Employees at a Poultry Processing Plant](#).

C. Supervisors are to share hard copies of this notice with IPP who may not have access to electronic mail.

## **VII. DATA ANALYSIS**

Approximately 90 days after the issuance of this notice, the DAIG will analyze AgLearn training records to determine overall compliance with completing FSIS AgLearn Course 8500. Follow-up analyses may be performed as determined by FSIS.

## **VIII. QUESTIONS**

Refer questions through supervisory channels.



Assistant Administrator  
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